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Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

GABRIEL DIOP,

Defendant.

CASE NO. 2:21-CR-00106-WBS

STIPULATION REGARDING EXCLUDABLE
TIME PERIODS UNDER SPEEDY TRIAL ACT;
ORDER

DATE: October 30, 2023
TIME: 9:00 a.m.
COURT: Hon. William B. Shubb

STIPULATION

Plaintiff United States of America (the “government”), by and through its counsel of record, and
defendant Gabriel Diop, by and through his counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for status on October 30, 2023.
2. By this stipulation, the defendant now moves to vacate the status conference, to set the matter for a change-of-plea hearing on November 6, 2023, at 9:00 a.m., and to exclude time between October 30, 2023, and November 6, 2023, under Local Code T4.
3. The parties agree and stipulate, and request that the Court find the following:
 - a) The government has represented that the discovery associated with this case includes more than 15,000 pages of discovery, images, and video files, all of which are subject to a protective order. The government recently made a subset consisting of a few hundred pages of the most relevant portions of this discovery available to the defendant and his counsel for

1 inspection and copying. *See* Fed. R. Crim. P. 16(a)(1)(E). The defendant and his counsel spent
2 approximately three hours reviewing this discovery material in late October.

3 b) Counsel for the defendant desires additional time to review the discovery already
4 produced and recently made available for inspection, consult with his client, review the charges,
5 discuss potential resolutions with his client and counsel for the government, prepare pretrial
6 motions, and otherwise prepare for trial.

7 c) Counsel for the defendant believes that failure to grant the above-requested
8 continuance would deny him the reasonable time necessary for effective preparation, taking into
9 account the exercise of due diligence.

10 d) The government does not object to the continuance.

11 e) Based on the above-stated findings, the ends of justice served by continuing the
12 case as requested outweigh the interest of the public and the defendant in a trial within the
13 original date prescribed by the Speedy Trial Act.

14 f) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
15 et seq., within which trial must commence, the time period of October 30, 2023, to November 6,
16 2023, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) [Local Code
17 T4] because it results from a continuance granted by the Court at the defendant's request on the
18 basis of the Court's finding that the ends of justice served by taking such action outweigh the
19 best interest of the public and the defendant in a speedy trial.

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4. Nothing in this stipulation and order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excludable from the period within which a trial must commence.

IT IS SO STIPULATED.

Dated: October 24, 2023

PHILLIP A. TALBERT
United States Attorney

/s/ SAM STEFANKI
SAM STEFANKI
Assistant United States Attorney

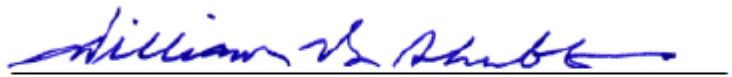
Dated: October 24, 2023

/s/ DOUGLAS BEEVERS
DOUGLAS BEEVERS
Counsel for Defendant
GABRIEL DIOP

FINDINGS AND ORDER

IT IS SO FOUND AND ORDERED.

Dated: October 26, 2023


WILLIAM B. SHUBB
UNITED STATES DISTRICT JUDGE